

AMENDED IN ASSEMBLY APRIL 5, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1756**

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**Introduced by Assembly Member Swanson**

February 8, 2010

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~~An act to amend Section 7115 of the Government Code, relating to economic development. An act to amend Section 18901.3 of the Welfare and Institutions Code, relating to food stamps.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1756, as amended, Swanson. ~~Economic development: military base closure.~~ *Food stamps: eligibility: drug felonies.*

*Existing law provides for the Food Stamp program, under which food stamps allocated to the state by the federal government under the federal Supplemental Nutrition Assistance Program, are distributed to eligible individuals by each county. Existing law provides that a person convicted of a drug-related felony, with certain exceptions, is eligible for aid under the Food Stamp program, if specified requirements are met.*

*This bill would, instead, provide that a person convicted of any drug felony shall be eligible for aid under the Food Stamp program, and would eliminate the above-referenced eligibility requirements.*

*By changing the eligibility standards under the Food Stamp program, this bill would increase the responsibilities of counties in the administration of the program, thereby imposing a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.*

*Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~The Local Agency Military Base Recovery Area Act authorizes a local agency to propose to the Department of Housing and Community Development that an eligible area, as defined, within the local agency's jurisdiction be designated, for an 8-year period, as a local agency military base recovery area by the department, as specified, thereby authorizing the local agency to extend regulatory, tax, and other governmental program incentives to offset the adverse economic effects of federal military base closures. That act also requires the department to submit a report to the Legislature annually that evaluates specified effects of the program in designated areas, indicates whether more areas should be designated, as specified, and provides specified information relating to the value of area tax credits.~~

~~This bill would make technical, nonsubstantive changes to that law.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 18901.3 of the Welfare and Institutions  
2     Code is amended to read:  
3     18901.3. (a) ~~Subject Pursuant to the limitations of subdivision~~  
4     (b), pursuant to Section 115(d)(1)(A) of Public Law 104-193 (21  
5     U.S.C. Sec. 862a(d)(1)(A)), California opts out of the provisions  
6     of Section 115(a)(2) of Public Law 104-193 (21 U.S.C. Sec.  
7     862a(a)(2)). A convicted drug felon shall be eligible to receive  
8     food stamps under this section.  
9     (b) ~~Subdivision (a) does not apply to a person who has been~~  
10    convicted of unlawfully transporting, importing into this state,  
11    selling, furnishing, administering, giving away, possessing for  
12    sale, purchasing for purposes of sale, manufacturing a controlled  
13    substance, possessing precursors with the intent to manufacture a  
14    controlled substance, or cultivating, harvesting, or processing  
15    marijuana or any part thereof pursuant to Section 11358 of the  
16    Health and Safety Code.

1 ~~(e) Subdivision (a) does not apply to a person who has been~~  
2 ~~convicted of unlawfully soliciting, inducing, encouraging, or~~  
3 ~~intimidating a minor to participate in any activity listed in~~  
4 ~~subdivision (b).~~

5 ~~(d) As a condition of eligibility to receive food stamps pursuant~~  
6 ~~to subdivision (a), an applicant convicted of a felony drug offense~~  
7 ~~that is not excluded under subdivision (b) or (c) shall be required~~  
8 ~~to provide proof of one of the following subsequent to the most~~  
9 ~~recent drug-related conviction:~~

10 ~~(1) Completion of a government-recognized drug treatment~~  
11 ~~program.~~

12 ~~(2) Participation in a government-recognized drug treatment~~  
13 ~~program.~~

14 ~~(3) Enrollment in a government-recognized drug treatment~~  
15 ~~program.~~

16 ~~(4) Placement on a waiting list for a government-recognized~~  
17 ~~drug treatment program.~~

18 ~~(5) Other evidence that the illegal use of controlled substances~~  
19 ~~has ceased, as established by State Department of Social Services~~  
20 ~~regulations.~~

21 ~~(e) Notwithstanding the Administrative Procedure Act (Chapter~~  
22 ~~3.5 (commencing with Section 11340) of Part 1 of Division 3 of~~  
23 ~~Title 2 of the Government Code), the department may implement~~  
24 ~~this section through an all-county letter or similar instructions from~~  
25 ~~the director no later than January 1, 2005.~~

26 ~~(f) The department shall adopt regulations as otherwise~~  
27 ~~necessary to implement this section no later than July 1, 2005.~~  
28 ~~Emergency regulations adopted for implementation of this section~~  
29 ~~may be adopted by the director in accordance with the~~  
30 ~~Administrative Procedure Act. The adoption of emergency~~  
31 ~~regulations shall be deemed to be an emergency and necessary for~~  
32 ~~immediate preservation of the public peace, health and safety, or~~  
33 ~~general welfare. The emergency regulations shall be exempt from~~  
34 ~~review by the Office of Administrative Law. The emergency~~  
35 ~~regulations authorized by this section shall be submitted to the~~  
36 ~~Office of Administrative Law for filing with the Secretary of State~~  
37 ~~and shall remain in effect for no more than 180 days.~~

38 *SEC. 2. If the Commission on State Mandates determines that*  
39 *this act contains costs mandated by the state, reimbursement to*  
40 *local agencies and school districts for those costs shall be made*

1 pursuant to Part 7 (commencing with Section 17500) of Division  
2 4 of Title 2 of the Government Code.

3 SECTION 1. ~~Section 7115 of the Government Code is amended~~  
4 ~~to read:~~

5 7115. ~~The department shall submit a report to the Legislature~~  
6 ~~on or before July 1, of each year that does all of the following:~~

7 ~~(a) Evaluates the effect of the program on employment,~~  
8 ~~investment, and incomes, and on state and local tax revenues in~~  
9 ~~designated local agency military base recovery areas.~~

10 ~~(b) Indicates whether the number of existing local agency~~  
11 ~~military base recovery areas should be expanded, by how many,~~  
12 ~~and under what applicable time schedules.~~

13 ~~(c) Provides information from the Franchise Tax Board on the~~  
14 ~~dollar value of local agency military base recovery area tax credits~~  
15 ~~that are claimed each year by businesses.~~